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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,381	07/31/2003	Michael Czysz	MCZ009	2830
34496	7590	08/11/2005	EXAMINER	
RICHARD C. CALDERWOOD 2775 NW 126TH AVE PORTLAND, OR 97229-8381			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 08/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,381

Applicant(s)

CZYSZ, MICHAEL

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7, 12-15 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23, 24, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 2-5, 7, 12-15, 20-22, 25, 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. An Amendment After-Final was filed 7/30/05, and will be entered into the file, in which Claims 1, 6 and 19 were also cancelled, and Claims 27 and 28 added. The Claims remaining to be examined are 2-5, 7, 12-15 and 20-28.

Upon reconsideration, the finality of the last Office Action is withdrawn, and rejections are provided in this Action. *Examiner sincerely apologizes for the inconvenience.*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-4, 7, 13-15, 20-22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoose 6371263.

Hoose discloses a steering apparatus (fig 1) in a two-wheeled vehicle, including a bicycle and motorcycle (c9, ln 27-30), comprising

Upper 10, and lower 20, triple clamps,

Upper and lower bearings 56,

Shock tube/absorber 50,

Coupled to each clamp by the respective bearing (fig 1),

Including cavity (unidentified) coaxial with the steering axis (c4, ln 58-60),

Coil-over spring (unidentified; c4, ln 58-60; "spring based system") coupled to an upper end (unidentified) of the shock tube,

Pair of telescopic forks 1 and 2 coupled to the clamps,

The forks including one of the following:

Spring/damper (c3, In 35-38, and 45-49), or,
Not including any spring/damping components (c3, In 34-35; "may include" is also interpreted to mean complete omission), or,
Inert suspension characteristics (c3, In 45-49),
The forks further including fork bottoms 41a, 42a coupled to lower fork tubes 1b, 2b,
Fork buttress 30 coupled to the forks,
And to which the lower end of the shock is coupled (via rod 54), and,
Front wheel 8.

Re Claims 13-15, Hoose further discloses, in figs 8 and 9,
The steering tube defining the steering axis (fig 8), and,
As depicted in fig 9, the shock tube 112 having
Passageways 126, 146, whereby the shock can be accessed for making
suspension adjustments, such that the shock is adjustable for at least compression
damping (c6, In 39-50).

Re Claim 20, Hoose further discloses shock absorber 50 as comprising all of the
vehicle's damping components (c4, In 55-60).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoose in view of
Pileggi 5511811.

Hoose does not disclose the forks as being ventilated, while Pileggi shows this arrangement in fig 2 with vent 38. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Pileggi, to maintain proper pressurization in the fork tubes to achieve the desired damping characteristics, and as is well-known.

4. Claims 23, 24, 27 and 28 are allowable because prior art does not disclose the vehicle described above further comprising, *inter alia*, a top bolt coupling the shock tube to the upper triple clamp.

5. RESPONSE TO REMARKS

Examiner has provided new rejections for most of the claims employing Hoose, and apologizes for the inconvenience. Applicant is asked to note allowable subject matter.

6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 571 272-6651. Our fax number is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
8/9/05

